

Attorney Docket No. RSW920040131US1
Serial No. 10/711,981
Response to Office Action mailed 7/26/06

2. Claim Rejections.

a. Claims 1 and 3.

(1) The examiner rejected claims 1 and 3 under 35 USC 103(a) over Gandhi, US 2005/0120102A1, Sankaranarayan, US 6,799,208, and in view of Rolia, US 2005/0240668.

(2) Response. The examiner's cited Rolia in response to applicant's last amendment. Applicant has further amended each claim to distinguish over Rolia. Specifically, Rolia discloses minimizing the cost of a breach, but does not disclose making an exact calculation as claimed by applicant: "determining the minimum total rebate payable by the service provider for the breach." In addition, Rolia does not disclose the use of a target list of standard customers, nor does Rolia disclose that the decision to shift a resources would be based upon all of the following: performance data, the target list and the status of the customers. Applicant submits that the amendments distinguish over Rolia.

b. Claim 2.

(1) The examiner. The examiner rejected claim 2 in view of Gandhi, US 2005/0120102A1, Rolia, US 2005/0240668 and Sankaranarayan, US 6,799,208.

(2) Response. Applicant submits that the amendments distinguish over Rolia for the same reasons stated above in regard to Claims 1 and 3.

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